



(En Proceso de Liquidación)

BC-JCL-CJ-

111200003701

Caracas,

24 AGO. 2012

Honorable James Peck
United States Bankruptcy Judge
at the United States Bankruptcy Court
Alexander Hamilton Custom House, Courtroom 601
One Bowling Green, New York, New York 10004



We, **LUCINDA XIOMARA DAVILA DE LA TORRE, MIRIAM CEDEÑO DE CARRION and JOSÉ FÉLIX RODRÍGUEZ CALLES**, all Venezuelans of age and domiciled in the city of Caracas, bearers of the Identification Cards Nos. V-4,252,184, V-4,271,569 and V-5,525,357, respectively, herein acting as Members of the Board of Coordinators of the Liquidation Process of **BANCO CANARIAS DE VENEZUELA, BANCO UNIVERSAL, C.A. (Bank in Process of Administrative Liquidation)**, formerly identified as LA MARGARITA ENTIDAD DE AHORRO Y PRESTAMO, C.A., a Company previously domiciled in the city of Porlamar, Mariño Municipality of Nueva Esparta State, currently domiciled in the city of Caracas (incorporated through document registered at the Principal Office of Public Registry of the Mariño Municipality of Nueva Esparta State on November 28, 1966, under the No. 73, Pages 126 to 129, First Protocol, Volume II, universal successor of shareholders' equity of the company Banco Canarias de Venezuela, C.A., which was absorbed through merger and whose last Bylaws reform was made by way of a Special Shareholders' Meeting held on September 22, 2004 and recorded at the Mercantile Registry V of the Judicial District of the Capital District and Miranda State on February 6, 2006 under the No. 69, Volume 1,258-A and registered in the Tax Registry (RIF) under No. J-08003532-1). The administrative liquidation of this company was agreed through Resolution No. 627.09 dated November 27, 2009, published in Official Gazette of the

(En Proceso de Liquidación)

Bolivarian Republic of Venezuela No. 39,316 of the same date, November 27, 2009, and issued by the SUPERINTENDENCY OF BANKS AND OTHER FINANCIAL INSTITUTIONS (currently denominated the SUPERINTENDENCY OF BANKING SECTOR INSTITUTIONS). Our appointments appear in Official Documents Nos. 028 and 087 dated April 29, 2010 and August 5, 2011 and published in Official Gazettes of the Bolivarian Republic of Venezuela Nos. 39,423 and 39, 734, dated May 13, 2010 and August 12, 2011, respectively, issued by the **FONDO DE GARANTIA DE DEPOSITOS BANCARIOS (FOGADE)**, currently denominated **FONDO DE PROTECCION SOCIAL DE LOS DEPOSITOS BANCARIOS** and in the exercise of the functions conferred by the Special Power of Attorney granted by the President and Legal Representative of the **FONDO DE PROTECCION SOCIAL DE LOS DEPOSITOS BANCARIOS** (Autonomous Institution created through Executive Decree No. 540, dated March 20, 1985, published in Official Gazette of the Republic of Venezuela No. 33,190, dated March 22, 1985 and currently ruled by Decree Law Reform of the Law on Banking Sector Institutions No. 8,079, dated March 1, 2011, published in Official Gazette of the Bolivarian Republic of Venezuela No. 39,627, dated March 2, 2011, as **LIQUIDATOR** of this Financial Institution (in accordance with Article 106, Number 2 and Article 264 of said Decree Law Reform of the Law on Banking Sector Institutions No. 8,079) by Power of Attorney granted by the the President and Legal Representative of said Institution (through the power invested in them by way of Article 113, Number 1 of said text), authenticated before the Fourth Notary Public's Office of the Libertador Municipality of the Capital District on August 19, 2011, inserted under the No. 36, Volume 141, of the Book of Authentications kept by that Notary Public's Office, and registered before the Office of Public Registry of the Chacao Municipality, Miranda State, on August 23, 2011 and recorded under No. 43, page 344, Volume 34, of the Transcripts Protocol for the year 2011, hereby acting as previously stated we respectfully address you to notify you of the following matters:





(En Proceso de Liquidación)

FIRST: Resolution No. 627.09 dated November 27, 2009, published in Official Gazette of the Bolivarian Republic of Venezuela No. 39,316 of the same date, and issued by the **SUPERINTENDENCY OF BANKS AND OTHER FINANCIAL INSTITUTIONS (currently denominated the SUPERINTENDENCY OF BANKING SECTOR INSTITUTIONS)** entity ascribed to the Ministry of Popular Power for Planning and Finance of the Bolivarian Republic of Venezuela, ordered the Liquidation of Banco Canarias de Venezuela Banco Universal C.A. so as to preserve the interests of the Republic and the stability of the National Financial System in view of the fact that there existed technical, financial and legal reasons to apply such a measure in the terms agreed in said Resolution dated November 27, 2009. That same Resolution notified Fondo de Garantía de Depósitos y Protección Bancaria (FOGADE), currently denominated Fondo de Protección Social de los Depósitos Bancarios to assume the functions of the Liquidator and establish the Norms with which to proceed with the Liquidation in the terms set out in Current Legal Norm in effect at the time the Liquidation of the Bank was decided.

SECOND: The persons signing the present notification, previously identified, are the current Members of the Board of Coordinators of the Liquidation Process of this Institution who were appointed by Fondo de Protección Social de los Depósitos Bancarios as **LIQUIDATORS** of this Banking Entity (as per Official Documents Nos. 028 and 087 dated April 29, 2010 and August 5, 2011 and published in Official Gazettes of the Bolivarian Republic of Venezuela Nos. 39,423 and 39,734, dated May 13, 2010 and August 12, 2011, respectively) and acting as said Board and in accordance with the powers conferred by the corresponding Power of Attorney (which was authenticated before the Fourth Notary Public's Office of the Libertador Municipality of the Capital District on August 19, 2011, inserted under the No. 36, Volume 141 of the Book of Authentications kept by that Notary Public's Office and later registered before the Office of Public Registry of the Chacao Municipality, Miranda State, on August 23, 2011 and recorded under No. 43, page 344 of the Transcripts Protocol



(En Proceso de Liquidación)

for the year 2011) and granted in the exercise of the powers of said Institution, once again respectfully reiterate that we are, since our appointment, the persons authorized by the **LIQUIDATOR** to administer and continue with the Liquidation Process of the Bank and, consequently, empowered to represent it before third parties, as well as before any Public or Private Entity and Financial Institutions, within the limits of our mandate, in all matters of its interest, as well as those in which it is a party to and that affect its equity, as is the case of the Judicial Bankruptcy Process introduced before the Bankruptcy Court of the United States of America, Southern District of New York, that you preside and which hears of the Bankruptcy Lawsuit against the company **LEHMAN BROTHERS HOLDINGS Inc. (LBHI)**, a judicial proceeding in which **BANCO CANARIAS DE VENEZUELA, BANCO UNIVERSAL, C.A.** is an interested party in claims made pertaining to its credit balances in respect of Bank Accounts, Investments in Financial Instruments, Placements and Securities held in said Bank; notwithstanding the above, it is necessary to represent **BANCO CANARIAS DE VENEZUELA, BANCO UNIVERSAL, C.A.** (whose representation may be exercised by **FONDO DE PROTECCION SOCIAL DE LOS DEPOSITOS BANCARIOS**, as previously stated) in the Bankruptcy Case at hand, through the new Legal Firm that will be hired to such an end, in the city of New York, United States of America.

THIRD: It is appropriate at this time to point out that the persons appearing as administrators and representatives of this Financial Institution in the Registries or archives kept by the Company **LEHMAN BROTHERS HOLDINGS Inc. (LBHI)**, prior to November 27, 2009, date on which its Liquidation was decreed, have no authority to represent it or act in its name, since their functions ceased on the date the Administrative Liquidation of the Bank was agreed and, at present, have no authority whatsoever to do so, even though they had introduced claims for its credit balances before **LEHMAN BROTHERS HOLDINGS Inc. (LBHI)** prior to said date and for which we are requesting the qualification for the payment of said balances in the Bankruptcy Trial. Any action taken by them

A handwritten signature in black ink, appearing to be a stylized 'P' or similar character, located at the bottom left of the page.



(En Proceso de Liquidación)

after the previously mentioned date, we do not recognize and result invalid since these persons are no longer Legal Representatives of this Banking Institution.

FOURTH: As for the non appearance at the Trial Hearing held on March 22, 2012 before said Court by the representatives of **BANCO CANARIAS DE VENEZUELA, BANCO UNIVERSAL, C.A.** or of the designated and contracted lawyers of this Banking Institution to represent it in the Bankruptcy Trial, was due to unforeseeable circumstances along with the fact that in said Trial the Bank did not have an authorized Representation on file since, at that time, the **FIRM CHADBOURNE & PARKE LLP**, appointed on November 8, 2008 by the previous administration of the Bank for its representation, notified their resignation as representatives and, at that time, no new lawyers had been appointed by the Bank; therefore, if any person was present at that Hearing as representative of the Bank, a person different from the members of the Bank's Liquidation Board who sign this notification, or lawyers different from the members of the Firm that resigned from representing the Bank, we hereby ratify the lack of authority of said persons to take undertake any action that may affect this Financial Institution. For this reason, we request you grant us a Hearing, as soon as possible to obtain information regarding the stage of the Proceeding since we are about to appoint a new Legal Firm to represent and defend the interests of this Financial Institution in said Judicial Proceeding.

Lastly, to complete what we have pointed out we are accompanying this notification the before mentioned documents, duly authenticated and with their Apostilles, pertaining to the Bank's legal situation and those that authorize us as representatives of same.

We would appreciate the confirmation of receipt of this notification through the following e-mails:

- xdavila@banocanarias.com
- jrodriguez@bancocanarias.com



(En Proceso de Liquidación)

- mcarrion@bancocanarias.com
- xiodavila09@hotmail.com
- Josefelixr@yahoo.com

You can also reach us through the following phones: 0212-212-4130; 0212-212-4150; 0212-212-4118; 0212-212-4085, and 0212-212-4191.

Attached please find the document mentioned.

With nothing more to refer to, we would appreciate all the attention you can bestow on this matter.

Sincerely yours,

LUCINDA XIOMARA DÁVILA DE LA TORRE MIRIAM CEDENO DE CARRION JOSE FÉLIX

JOSE FÉLIX RODRÍGUEZ CALLES

Junta Coordinadora de Liquidación
BANCO CANARIAS DE VENEZUELA
BANCO UNIVERSAL, C.A.